

REMARKS

At the outset, the Applicant thanks the Examiner for the thorough review and consideration of the pending application. The final Office Action dated December 21, 2006 has been received and its contents carefully reviewed.

Claims 1 and 11 are hereby amended. Accordingly, claims 1-20 are currently pending. Reexamination and reconsideration of the pending claims are respectfully requested.

Certified priority document KR 10-2002-0063312 is submitted herewith. The Applicant requests confirmation of receipt of this document in the next communication.

The Applicant thanks the Examiner for taking the time to speak with the Applicant's Representative on February 12, 2007. The substance of the interview is set forth in the Remarks and constitutes a record of the interview. During the interview, the Examiner clarified his interpretation of U.S. Patent 5,419,164 to *Durazzani*. More specifically, the Examiner explained that, given a broad and reasonable interpretation, the feature of "the second material is combined with the first material," could be considered two separate and distinct structures, as explicitly disclosed in *Durazzani*.

The Office Action rejected claims 1, 2, 5-8, 10-12, 15-18 and 20 under 35 U.S.C. §102(b) as being anticipated by *Durazzani*. The Applicant respectfully traverses this rejection.

As required in Chapter 2131 of the M.P.E.P., in order to anticipate a claim under 35 U.S.C. §102, "the reference must teach every element of the claim." The Applicant respectfully submits that *Durazzani* does not teach every element recited in claims 1, 2, 5-8, 10-12, 15-18 and 20 and therefore cannot anticipate these claims. More specifically, claims 1 and 11 have been amended to recite a drum-type washing machine having a self-balancing outer tub assembly which includes, among other features, "a front outer tub having an open front and rear, the front outer tub comprising a first material and a second material different from the first material, wherein the second material is blended with the first material." *Durazzani* fails to disclose at least this feature.

Durazzani teaches that the counterweights 6 and 7 are enclosed within plastic shells 8 and 9. These structures are separate and distinct materials that are capable of being mechanically separated from each other. Since the counterweights and plastic shells of *Durazzani* are capable of being separated, *Durazzani* does not disclose “a front outer tub having an open front and rear, the front outer tub comprising a first material and a second material different from the first material, wherein the second material is blended with the first material,” as required by the claims.

The Office Action further alleges that *Durazzani* discloses “two materials combined in a polymer blend to form a tub.” See page 3. During the interview, the Applicant’s Representative pointed out that while *Durazzani* may teach grinding the calcium carbonate counterweights together with the plastic shells, the regrinding discussion in *Durazzani* is specifically drawn to recycling the washing machine after the washing machine is no longer in use. The Examiner reconsidered the teachings of *Durazzani* and explained that a tub comprising a blend of materials, while not anticipated by *Durazzani*, would be obvious to one of ordinary skill in light of the teaching of *Durazzani* because it is known for the same purpose (e.g., to provide a counter balance in a washing machine.) Therefore, blending the two materials to produce a counter balance in a washing machine tub is considered, by the Examiner, to be functionally equivalent to the tub structure of *Durazzani*. The Applicant respectfully disagrees.

Durazzani discloses recovering pieces of the washing machine that are able to be recycled, rather than discarding the entire machine after the machine is no longer in use. Because calcium carbonate is a known filler used in plastic, when the counterweight material is calcium carbonate, *Durazzani* teaches that one less step is required in dismantling the washing machine for recycling because the plastic shell and counterweight can be reground together. See column 3, line 59-column 4, line 5. However, *Durazzani* fails to teach or suggest regrinding the shell and counterweight together to produce a counterbalance structure of a washing machine tub. The fact that *Durazzani* teaches that two materials can be reground together during a recycling process does not imply that the reground material is used for the same purpose as set forth in the claimed invention.

In fact, *Durazzani* is completely silent as to the specifics of the regrounding process of the counterweight and plastic shell and how the plastic/calcium carbonate mixture is used after the regrounding process. Typically, during plastic recycling, a large volume of plastic from various sources is reground simultaneously. It is most likely that the plastic from various other sources is reground together with the plastic shell and counterweight structure from a to-be-recycled washing machine producing a plastic/calcium carbonate mixture that has a drastically different ratio of plastic to calcium carbonate than the counterbalance structure of *Durazzani*. Due to the large volume of plastic from various sources and any additional unknown additives, it would be impossible for one of ordinary skill to determine if the post-regrounding ratio of calcium carbonate to plastic taught by *Durazzani*, or any other randomly available first and second materials, could render the post-regrounding “raw” material suitable for the intended purpose of manufacturing a drum-type washing machine having a self-balancing outer tub assembly as claimed in independent claims 1 and 11.

Therefore, the Applicant submits that, absent the teachings of the present invention, one of ordinary skill would not have been motivated to modify the teachings of *Durazzani* to produce “a front outer tub having an open front and rear, the front outer tub comprising a first material and a second material different from the first material, wherein the second material is blended with the first material,” as recited in the claims.

For at least the aforementioned reasons, the Applicant respectfully submits that claims 1 and 11 are patentably distinguishable over *Durazzani*, and request that the rejection be withdrawn. Likewise, claims 2, 5-8, 10, 12, 15-18 and 20, which variously depend from claims 1 and 11 are also patentable for at least the same reasons.

The Office Action rejected claims 3, 4, 13 and 14 under 35 U.S.C. § 103(a) as being unpatentable over *Durazzani* in view of U.S. Patent No. 5,196,506 to *Tamai et al.* (hereinafter “*Tamai*”) or U.S. Patent No. 5,171,769 to *Bull et al.* (hereinafter “*Bull*”) or U.S. Patent No. 4,136,079 to *Katayama et al.* (hereinafter “*Katayama*”). The Applicant respectfully traverses the rejection.

As required in Chapter 2143.03 of the M.P.E.P., in order to “establish *prima facie* obviousness of the claimed invention, all the limitations must be taught or suggested by the prior art.” The Applicant submits that neither *Durazzani*, *Tamai*, *Bull*, nor *Katayama* singularly or in combination, teach or suggest each and every element recited in claims 3, 4, 13, and 14. In particular, as discussed above, claims 1 and 11, the independent claims from which claims 3, 4, 13 and 14 depend, have been amended to recite a drum-type washing machine having a self-balancing outer tub assembly which includes, among other features, “a front outer tub having an open front and rear, the front outer tub comprising a first material and a second material different from the first material, wherein the second material is blended with the first material.” None of the references, singularly or in combination, disclose this feature.

As previously discussed, *Durazzani* fails to teach or suggest a front outer tub comprising a first and second material, where “the second material is blended with the first material.” *Tamai*, *Bull*, and *Katayama* are relied upon to teach a specific second material blended with a plastic material; however, they fail to overcome the above-mentioned shortcomings of *Durazzani*.

Because neither *Durazzani*, *Tamai*, *Bull*, nor *Katayama* teach all the claimed features, the combined teaching of *Durazzani* in view of *Tamai*, *Bull*, or *Katayama* does not render claims 1 and 11, the independent claims from which claims 3, 4, 13 and 14 depend, obvious. Accordingly, claim 3, 4, 13, and 14 is patentably distinguishable over *Durazzani* in view of *Tamai*, *Bull*, or *Katayama* and the Applicant requests that the rejection be withdrawn.

The Office Action rejected claims 9 and 19 under 35 U.S.C. § 103(a) as being unpatentable over *Durazzani*. The Applicant respectfully traverses the rejection.

As previously discussed, *Durazzani* does not disclose all of the features recited in newly amended claims 1 and 11, the base claims from which claims 9 and 19 variously depend. The Applicant further contends that even if one skilled in the art would have been motivated to modify *Durazzani* as suggested in the Office Action, the resulting device still fails to teach or suggest all the features set forth in amended claims 1 and 11, namely a drum-type washing machine having a self-balancing outer tub assembly which includes, among other features, “a


front outer tub having an open front and rear, the front outer tub comprising a first material and a second material different from the first material, wherein the second material is blended with the first material." *Durazzani*, as modified in the Office Action, fails to teach or suggest all the claimed elements, therefore claims 1 and 11 are not rendered obvious as asserted on page 6 in the Office Action. Claims 9 and 19, which depend from independent claims 1 and 11, respectively, are likewise not rendered obvious. Accordingly, claims 9 and 19 are patentably distinguishable over *Durazzani* as modified in the Office Action and the Applicant requests that the rejection be withdrawn.

The application is in condition for allowance and early, favorable action is respectfully solicited. If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at (202) 496-7500 to discuss the steps necessary for placing the application in condition for allowance. All correspondence should continue to be sent to the below-listed address.

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. § 1.136, and any additional fees required under 37 C.F.R. § 1.136 for any necessary extension of time, or any other fees required to complete the filing of this response, may be charged to Deposit Account No. 50-0911. Please credit any overpayment to deposit Account No. 50-0911. A duplicate copy of this sheet is enclosed.

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Respectfully submitted,

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Attachments